

UNIFORM STANDARDS CODE FOR MOBILE HOMES

CHAPTER 656 ²⁸

S. B. No. 153

An Act establishing a Uniform Standards Code for Mobile Homes approved by the United States of America Standards Institute for installation of plumbing, heating, and electrical systems in mobile homes; to require a license to be issued by the Bureau of Labor Statistics to mobile home dealers and manufacturers engaged in business in this state; to require all mobile homes to bear a Seal of Certification of License issued by the Bureau of Labor Statistics; to provide for reciprocity; to provide for inspection; to establish fees and charges and to provide for their disposition; to provide for enforcement and penalties; to provide for restrictions and placement of serial numbers; to provide for severability; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Short title

Section 1. This Act shall be known and may be cited as "Uniform Standards Code for Mobile Homes."

Definitions

Sec. 2. As used in this Act, unless the context requires a different definition:

(a) "mobile home" means a movable or portable dwelling constructed to be towed by a motor vehicle on its own chassis, over Texas roads and highways under special permit, connected to utilities, and designed without a permanent foundation for year-round living. It may consist of one or more units that can be telescoped when towed and expanded later for additional capacity, or of two or more units, separately towable but designed to be joined into one integral unit;

(b) "code" means the uniform standards code that meets the United States of America Standards Institute standards set up for mobile homes for electrical systems, plumbing and heating;

(c) "seal" means a device or insignia issued by the Bureau of Labor Statistics, certifying that a manufacturer or dealer has been licensed to do business in the State of Texas, to be displayed on the exterior of the mobile home;

(d) "dealer" means any person other than a manufacturer "as defined" who sells three or more mobile homes in any consecutive twelve month period;

(e) "manufacturer" means any person who manufactures mobile homes, and sells to dealers;

(f) "department" means the Bureau of Labor Statistics;

(g) "person" means a person, partnership, company, corporation, or association engaged in manufacturing or selling mobile homes.

Establishment of uniform standards code

Sec. 3.

(a) All plumbing, heating, and electrical systems installed in mobile homes manufactured more than six months after the effective date

28. Vernon's Ann.Civ.St. art. 5221f, §§ 1-12.

of this Act and sold or offered for sale in this state must meet the standards approved by the United States of America Standards Institute for the installation of plumbing, heating, and electrical systems in mobile homes and in Book A-119.1-1963, approved March 12, 1963, for mobile homes.

(b) The department may adopt and promulgate any changes in and additions to the standards referred to in Subsection (a) of this Section made by the United States of America Standards Institute or its successor.

(c) At least 30 days before the adoption or promulgation of any change in or addition to the standards set in Subsection (a) of this Section or under the authority of Subsection (b) of this Section, the department shall mail to all dealers and manufacturers licensed under this Act a notice including:

- (1) a copy of the proposed changes and additions; and
- (2) the time and place that the department will consider any objections to the proposed changes and additions.

(d) After giving the notice required by Subsection (c) of this Section, the department shall afford interested persons an opportunity to participate in the rule making through submission of written data, views or arguments with or without opportunity to present the same orally in any matter.

Issue of license and seals

Sec. 4. Any manufacturer or dealer within or without this state shall apply for license to sell to licensed dealers or to the public of this state. A license may be issued when the requirements are met. Seals may be issued upon application to which is attached an affidavit certifying that any mobile home bearing a seal will be built in compliance with the code as set out in Section 3. Any licensed dealer who has acquired a used mobile home without a seal may apply for a seal with an affidavit certifying that the unit was brought up to or meets the code.

Seal of certification required

Sec. 5. No person may sell or offer for sale in this state any mobile home manufactured more than six months following the effective date of this Act unless it bears a seal along with certification by manufacturer, or by dealer when a used unit originally sold out of this state and manufactured after effective date of this Act. A certificate certifying that such mobile home meets or exceeds the code with respect to plumbing, heating, and electrical systems established by this Act shall be displayed in the manner prescribed by the department. No person may manufacture in this state any mobile home more than six months following the effective date of this Act unless it bears a seal along with a certificate of certification certifying that such mobile home meets or exceeds the code with respect to plumbing, heating, and electrical systems established by this Act.

Reciprocity

Sec. 6. If any other state has plumbing, heating and electrical codes for mobile homes at least equal to those established by this Act, the department, upon determining that such standards are being enforced by such other state, shall place such other state on a reciprocity list, which

list shall be available to any interested person. Any mobile home which bears a seal of any state which has been placed on the reciprocity list may not be required to bear the seal of this state provided for in Section 5.

Fees and charges

Sec. 7.

(a) A license issued by the department has a charge of \$50 per year renewable by the first of each calendar year.

(b) Seals, as provided for in this article, shall be furnished by the department, for which the applicant shall pay a fee of \$3 each. The manufacturer or dealer shall have the authority to affix such seal to any mobile home manufactured in conformity with the code established under the Act.

(c) All fees shall be paid to the department and deposited in the General Revenue Fund of the State of Texas.

Certified mobile home

Sec. 8. A mobile home which does not bear the seal herein provided for shall not be permitted to be offered for sale, or manufactured, by a dealer or manufacturer anywhere within the geographical limits of the State of Texas unless the mobile home is designated for delivery into a state that has a code that is in direct conflict with this Act.

Administration of act

Sec. 9.

(a) The department is hereby charged with the administration of this Act. It shall make and amend, alter or repeal general rules and regulations of procedure for carrying into effect all provisions of this Act, and to prescribe means, methods, and practice to make effective such provisions.

(b) No person may interfere, obstruct or hinder an authorized representative of the department in the performance of its duty as set forth in the provision of this Act.

(c) The department through its authorized representatives may enter any place or establishment where mobile homes are manufactured, sold or offered for sale, for the purpose of ascertaining whether the requirements of this Act and the regulations of the department have been met.

Penalties

Sec. 10. Any person who violates or fails to comply with this Act shall be notified of the violation and instructed to correct the violation within 90 days. Should the person fail to make the necessary correction(s) within the specified time, a fine, not exceeding \$100 per day, shall be levied until such corrections are made.

Serial number

Sec. 11. A serial number shall be stamped on top of the draw bar or A-frame on the left hand side so that it may be easily read. It may not contain more than 15 digits. Any multiple units shall contain the same serial number with letters of the alphabet designating that each is a different separate unit. Starting with the letter "A," each additional

unit shall be in alphabetical order. The letters shall be stamped at the end of the numbers.

Severability

Sec. 12. If any provision of this Act or the application thereof to any person, company, association or circumstance is held invalid or unconstitutional, the remainder of the Act and application of such provision to other person, companies, associations or circumstances is not thereby rendered invalid or unconstitutional nor affected thereby.

Emergency clause

Sec. 13. The fact that the present laws do not provide minimum standards for the manufacture and sale of mobile homes, and that such inadequacy in the laws imperils the health, safety, and welfare of the public who purchase such mobile homes, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on March 5, 1969: Yeas 28, Nays 1; March 26, 1969, Senate concurred in House amendments by a viva voce vote; passed the House on March 24, 1969, with amendments, by a non-record vote.

Approved June 12, 1969.

Effective Sept. 1, 1969, 90 days after date of adjournment.

ALLIGATORS—PROTECTION—REPEALERS

CHAPTER 657 ²⁹

S. B. No. 170

An Act protecting alligators in this state; providing a penalty for violation; repealing Chapter 94, Acts of the 52nd Legislature, 1951; Chapter 206, Acts of the 56th Legislature, Regular Session, 1959; Chapter 144, Acts of the 57th Legislature, Regular Session, 1961, as amended; Chapter 68, Acts of the 57th Legislature, 3rd Called Session, 1962; Chapter 401, Acts of the 58th Legislature, 1963, as amended; and Section 15, Chapter 252, Acts of the 58th Legislature, 1963; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. No person may take, catch, kill, buy, or sell, or attempt to take, catch, kill, buy, or sell, alligators or alligator hides, or may possess an alligator or its hide, in this state, except that nothing in this law shall prohibit the possession of such alligator hide in the form of a final processed and manufactured product.

Sec. 2. This Act does not prohibit the taking and possession of alligators or hides as provided by Article 913, Penal Code of Texas, 1925.

29. Vernon's Ann.P.C. art. 978j—3, §§ 1-5.